

## REMARKS

### I. STATUS OF CLAIMS

Claims 17, 22, 23, 28 and 29 are amended herein. Support for the amendments would be found in the specification, for example, page 6, line 16 through page 7, line 20 of the present application.

Claims 18-21 and 24-27 are canceled herein without prejudice or disclaimer.

In view of the above, it is respectfully submitted that claims 17, 22, 23, 28 and 29 are currently pending.

### II. REJECTION OF CLAIMS 17-21 UNDER 35 U.S.C. § 101 AS BEING DIRECTED TO NON-STATUTORY SUBJECT MATTER

The Examiner asserts that the claims do not recite features within the "technological arts".

It is respectfully submitted that claim 17 relates to a method for "**electronically mediating**", and comprises "**displaying** order information" and "**displaying** the changed order information", which are within the purview of the technological arts.

Therefore, it is respectfully requested that the rejection be withdrawn.

### III. REJECTION OF CLAIMS 17, 22, 23, 28 AND 29 AS BEING UNPATENTABLE OVER DODD (U.S. PATENT 6,633,849) IN VIEW OF CUSTOME.COM

Claim 17, as amended, specifically recites "a method for electronically mediating an online gift before a sender places an order for a recipient", the method comprising amongst other novel features, "providing both gift information on the online gift suitable and not suitable for at least the recipient to the sender prior to receiving order information from the sender", "displaying order information," "changing the order information", "displaying the changed order information to the sender" and "accumulating the order information and a changed order information". Dodd and Custome.com, either singularly or in combination, fail to disclose, teach or suggest these features.

Instead, Dodd discloses methods, systems, and articles of manufacture that provide the ability for an online gift recipient to accept or exchange an online gift prior to shipping the gift to

the recipient. See, Dodd at Summary. In Dodd, if the gift is to be exchanged, an electronic gift certificate is generated and another gift may be selected or different kinds of actual gift certificates may be selected as a replacement gift before an order for the initial gift is placed or the initial gift is shipped to the recipient. See also, Dodd at Summary. It is respectfully submitted that Dodd fails to teach a method for electronically mediating an online gift as specifically recited in, for example, claim 17 of Applicant's invention comprising, "providing both gift information on the online gift suitable and not suitable for at least the recipient to the sender prior to receiving order information from the sender", "displaying order information," "changing the order information when the recipient selects to change the order information", "displaying the changed order information to the sender" and "accumulating the order information and a changed order information".

In the Office Action, the Examiner concedes that Dodd does not specifically mention that the information on the change is displayed back to the buyer. See, the Office Action at page 4, last paragraph.

However, Custome.com fails to cure the deficiencies found in Dodd. Instead, Custome.com teaches how the profile system recommends **only those products suiting a customer's individual needs**. This is in stark contrast to the "method for electronically mediating an online gift" comprising amongst other novel features, "providing both gift information on the online gift **suitable and not suitable** for at least the recipient to the sender", as specifically recited in, for example, claim 17.

Moreover, Custome.com is silent as to the feature of "changing the order information when the recipient selects the order information," and then, "displaying the changed order information to the sender" as specifically recited in, for example, claim 17. Instead, Dodd merely provides a generalized system that profiles the gift-giving preferences of the customer. However, "changing the order information when the recipient selects the order information," and then, "displaying the changed order information to the sender" as specifically recited in, for example, claim 17, provides more flexibility to customer interaction in a method for electronically mediating an online gift before a sender places an order for a recipient. Moreover, neither Dodd nor Custome.com teach accumulating the order information and a changed order information, wherein the gift information is generated on the accumulated order information or changed order information.

In view of the above, it is respectfully submitted that the rejection is overcome with respect to claim 17.

Although the above comments are specifically directed to claim 17, it is respectfully submitted that the comments would be helpful in understanding differences of claims 22, 23, 28 and 29.

#### IV. CONCLUSION

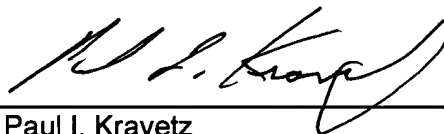
There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: August 31, 2005

By:   
Paul I. Kravetz  
Registration No. 35,230

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501